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11 *Attorneys for Plaintiff, Christiana Trust, A Division of Wilmington Savings Fund Society, FSB,*
12 *Not in Its Individual Capacity But as Trustee of ARLP Trust 3*

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTIANA TRUST, A DIVISION OF
WILMINGTON SAVINGS FUND
SOCIETY, FSB, NOT IN ITS INDIVIDUAL
CAPACITY BUT AS TRUSTEE OF ARLP
TRUST 3,

Plaintiff,

vs.

CHICAGO TITLE INSURANCE
COMPANY,

Defendant.

Case No.: 2:19-cv-00385-JAD-VCF

**STIPULATION AND ORDER
EXTENDING LIMITED STAY OF
CASE**

ECF No. 55

Plaintiff, Christiana Trust, A Division of Wilmington Savings Fund Society, FSB, Not in
Its Individual Capacity But as Trustee of ARLP Trust 3 (“Plaintiff”) and Defendant Chicago Title
Insurance Company (“Defendant”) (collectively the “Parties”) by and through their respective
counsel, hereby stipulate and agree as follows:

This matter involves a title insurance coverage claim wherein Plaintiff contends, and
Defendant disputes, that the title insurance claim involving an HOA assessment lien and
subsequent sale was covered by the subject policy of title insurance. There are now currently
pending in the United States District Court for the District of Nevada and Nevada state courts
more than one-hundred actions between national banks, on the one hand, and title insurers, on the
other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA

1 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
2 and/or CLTA 115.2/ALTA 5 endorsements.

3 The Parties have conferred and believe a limited four month stay is warranted. The Nevada
4 Supreme Court recently heard oral argument on April 11, 2023 in two appeals involving similar
5 coverage issues, *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case
6 No. 83737 (District Court Case No. A-18-781257-C) (“*PennyMac*”) and *Deutsche Bank Nat’l*
7 *Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (District Court
8 Case No. A-20-820307-C) (“*Deutsche Bank*”). The matters have been taken under submission
9 and orders are pending. The Parties anticipate that the Nevada Supreme Court’s decisions in the
10 foregoing appeals may touch upon issues regarding the interpretation of policy and claims
11 handling, that could potentially affect the disposition of the instant action.

12 Accordingly, the Parties believe a stay of four months in the instant action will best serve
13 the interests of judicial economy. The Parties request that the action be stayed for a period of
14 four months, through and including, September 1, 2023. The Parties are to submit a Joint Status
15 Report on or before September 1, 2023. The Parties further agree that this stipulation and stay of
16 this case is entered based on the specific circumstances surrounding this particular case, and that
17 this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

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1 Notwithstanding the foregoing, in order to preserve evidence, the Parties may propound
2 subpoenas duces tecum and deposition subpoenas to third parties while this stay is in effect, and
3 the Parties may enforce subpoenas that the Parties propounded to third parties.

4 **IT IS SO STIPULATED.**

5 DATED this 1st day of May, 2023.

DATED this 1st day of May, 2023.

6 WRIGHT, FINLAY & ZAK, LLP

EARLY SULLIVAN WRIGHT GIZER &
McRAE LLP

7
8 /s/ Lindsay D. Dragon, Esq.

/s/ Sophia S. Lau, Esq.

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Attorneys for Defendants

Division of Wilmington Savings Fund

Society, FSB, Not in Its Individual Capacity

13 *But as Trustee of ARLP Trust 3*

14 **ORDER**

15 **Based on the parties' stipulation [ECF No. 55] and good cause appearing, IT IS**
16 **ORDERED that the limited stay of this case [ECF No. 52] is extended to 9/1/23.**

17 DATED this 2nd day of May, 2023.

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19 UNITED STATES DISTRICT COURT JUDGE